Take *Aqua composita*. that is made of herbes and wash the breast of the child, then take the pouder of mirre very fine beaten, and straw it vpon the breast of the child after that it is washed, and lay a warme cloth to it, and let it lye fowre and twentie howres.

For the Wormes.

If it fortune the Child to auoyde a Worme, as often times they do, then take that worme and drie it, so that you make it into a pouder, and giue it the child to drinke in ale or Wort, and it shall kill the rest of the Wormes, or cause them to come forth aliue.

For him that hath drunke veneame, and his belly beginneth to swell or ake.

Take greene Rewe, washe it, stampe it, and temper it with white Wine, and giue it him to drinke.

To cleare the voice.

Take organy, Isope, Hartstung, Elicompane, of Liquorice, and of Fenell, and boyl them together with clean water, and so drinke it last and first.

A medicine for Tisicke and stopping in the breast, and to open the pipes.

Take Parsly rootes, Fenell rootes, Succory rootes, and take out the pithes of them, & seeth them in white wine til they be soft, seeth them with Giniper berries if you can get them, then straine it, when it is well sodden, put Pellitorie of Spaine to the Wine, and let the sicke drinke of it morning and euening eight daies.

FINIS.

Cup.648.l.2.

THE PREFACE.

their first and originall grace, such beautie haue they and elegancie too, in the Latine tongue: but I write to Englishmen; and such as not so much affect to heare of the beautie, as they be desirous to vnderstand the benefit of their lawes: for such I haue framed this *Tything Table*, and replenished (as my slender skill would serue) the same, with necessarie dispersed, and scattered lawes, not hurtfull, considered as they be deliuered, nor preiudiciall to the Royall prerogatiue, nor repugnant to the lawes, statutes, nor customes of the land. Tythes (by sale) bee turned into chattels[e], and made of spirituall, temporall things: in debate (of the right of patronage) in tithes, and exceeding the fourth part of the value of the Church[f], where great wood is demaunded in the name of *Silua Cedua*[g], in tythes and oblations, where there is any state of inheritance[h], and where they bee demaunded, and bee neither due nor accustomed[i], the Kings prohibition doth lie in all these cases and no consultation: otherwise, and without such temporall mixtures, prohibition hath no place[k]: but the Iudge Ecclesiasticall hath power to proceed, notwithstanding the Kings prohibition[l]. Conceiuing them therefore (Christian Reader) as they be meant, and mentioned to be presented vnto thee, viz. As they be meerely spirituall, tyths and oblations, and without any temporall mixture, thou shalt not misconstrue the Author, nor deceiue thy selfe. Farewell.

London the 29 of Aprill. 1591.

The Readers (euer) in the Lord,
W. C.

e Art.cler.9. Ed.1.1.
f 9 Ed.2.2.34 Ed. 1.1. de coniunctim feoffatis.
g 45.Ed 3.3.
h 3.H.8.7.
i 13.Ed.1.circ agat.
k Fitz.de natura breuium fol.50.de consultatione
l 9.Ed.2 circúspectè agatis.13.Ed.1.

TYTH VVHAT IT IS, AND OF *how many sortes.*

TYth of the Latine *Decima*, is a tenth part or portion of increase, commaunded vnto *Moses* by whom it was deliuered (at the appointment of GOD) to be payde to the Sonnes of *Leuy*, for their ministerie wherein they serued in the Tabernacle[a]: in Law defined thus; viz. *Omnium bonorum licitè quæsitorum quota pars Deo, diuina constitutione debita*, i. Of all lawfull increase and gaine a certaine part (by constitution diuine) due, and appertaining to God[b]. And they bee either prædiall, as that which doth arise and grow by reason and vertue of the groundes, viz. Fruites, and increase of Beastes, Fishes, Fowles[c], &c. Or they be personall, as that which ariseth by reason and vertue of lawfull and honest commoditie, so recouered and procured by Art, Science, or manuall Occupation of some person[d]. It is also to be noted, that tyths, some of them comprehended vnder these Titles, Prædiall and Personall, bee called by the name of mixt tythes; of which sort bee such as doe arise and grow partly by the grounds[e], & partly by the care, keeping, labour, and industrie of some person[f]; as of Cattell subiect to the Foxe, Wolfe, and such deuouring beasts, supposed to be partly of the grounds where they bee bredde and fedde, euen as a Tree is supposed to bee also partly of that place where the rootes doe grow, by the which it is nourished[g]: so, they bee maintained by the grounds, but defended by the Sheapheards. Looke more of mixt tythes in the twelfth Question. Some of them by the name of greater tythes, in Latine *Maiores siue grosse Decimæ* (as wee tearm e them) Great tyths: such bee of Corne & Pulse[i]. Some of them bee tearmed *Minores*, or *Minutæ decimæ* (in our common speech, Smal tyths, such be seeds, hearbs, egges[k], &c. mentioned in the ninth & fourteenth Questions, 1.

a Arg.ad hoc inst quod cum eo.qui in alt. pot. § cæterú autem & glo. const prou. verb. posit recipere.
b c.verb.const. præ al.
c quoniam vt audiuimus. const prouin. ang. § agni. eod.
d ca. & § præ
e Glo.c & § præal. verb. particulariter
f c. & § præ.
g Rebuff eo q.6. nu. 30. Inno. Host. & alij in ca. cum homines. eod.
h Card. consil. 26. pro eurdentia c. tua c fin.eod.
i c.perueniet. præal eo.c. non est. 22. c.
k c. ad apostolice præ.
l cap commissum præal.
m c. apostolice.c.pastoralis.eod.
n l. cum quidam ff. de fun.instruct.
o l. si plures in fin.ff.arb.furt. cæs.
p c. ex multiplici de dec.
q Glo & DD. in c. cum ex tua.& c. ex multiplici. præal. eod.

blame himselfe[h]. Yet Lyndwood affirmeth in this case, That in regard of the Church, in respect whereof tythes ought not to bee lost, and in regard of the partie himselfe, the owner of the fruits, who without sinne cannot detaine by any colour the rights from the Church, though the Parson (for his owne sake) cannot release himselfe iure actionis, i. By right of action: yet, for the Churches sake Officium iudicis, i. The Iudge his office may be desired[i].

2 Peawes be sometimes removed from grounds to grounds, from parish to parish, the question is (in this case) of the right of their tythes: It is thus answered by the text Law[k], viz. The tyth of Lambe is payable in manner and forme as bee the tythes of Calues and Colts, and such other like tythable increase, mentioned to bee Pigge, Kid, &c. of which the Law determineth thus, viz. Habita ratione ad loca diuersa vbi gignuntur, oriuntur, & nutriuntur, & ad moram quam traxerint in eisdem particulariter decimentur, i. They be tythable by rate and proportion (particularly) to the seuerall Churches in whose Parishes they were ingendred, brought forth, and nourished[l]: for example, The Peawe goeth fiue moneths with her Lambe, they put them together the Male and Female the last of September, where they coupled they remaine one moneth: they be removed to a second Parish, to a third, to a fourth, and to a fift, where they be depastured seuerall Moneths: in this case, Vnusquisque pro tempore suo, i. Euery Parson for his time[m], that is (the seuerall times and places considered) the seuerall Churches in the tythes haue seuerall rights accordingly[n].

3 And touching the question of their tythable time, it is answered thus, Fœtus ablactatus esse debet antequam præstetur, i. They must bee weaned, weanable or of strength to line without the damme[o], except custome hath obserued therein a time certain, the which where so it is, there it must be continued. Looke Custome the 6.

r c quoniam propter. pre. de decim.
s c. quoniam vt audiuimus præal. § decima.
t c. quoniam propter. pre. § quid verò.
u in cap. & § præal. verb modicitatè.
x c. § præal. in fine.
y ext. e.ti.c.in aliquibus.

The seuenth Question.

1 MIlke and Cheese, viz. of Kine, of Sheepe, or of Goats, they be reckoned as In pecudum fructu, i. In the increase of such cattell[p], as also be Lana & Fœtus, i. Wooll, Calfe, Kid, and Lambe, whereof mention is made in the fift and sixt questions before: and touching question herein to bee made, suppose of the Milke when it is perceiued and taken, of the nine parts thereof (when the tenth is deducted) there be made ten cheeses: is answered, in this case, The cheeses are not to be tythed[q]: for cheese is not tythable but where Milke is not tythed: and so of the other: briefly, they be tythable either of them tempore suo, i. In their seasons[r], and so long, and so some, as either Milke or cheese shall be perceiued and taken (in their proper kind) by the Parishioner: there can be no custome of intermission to the contrary. Looke Custome, the 3. And what the Law of custome may be in this case, followeth here the 3.

2 Sometime these cattell be depastured in one Parish and couch in another, in this case it may be demaunded, What the law determineth of the tyth? It is answered in the text law, viz. Quod inter Rectores diuidatur, i. In this case the Parsons shall diuide[s].

3 Question also herein is moued further in the law[t], where such tythes be payable in kind, and the number of Cattell so small as Lynwood supposeth[u] of some one or other Parishioners, which haue but onely three, two, or peraduenture but one onely Cow, and those or that to be milked but alternis diebus, i. But each other day, by reason whereof the Parishioner can make no cheese at all: What is the Churches right in this case? It is answered in the text law[x], viz. Consuetudini locorum duximus relinquendum, i. The custome of the place must be obserued: prouided the custome be, that Certum quid soluatur, i. That somewhat be payd in consideration and lieu[y]: for custome herein (as in all other cases of tything) cannot exclude solutionem decimæ, i. It cannot vtterly take away the payment of the tythes of such profits as arise, as may appeare in Custome the 3. Only it may limit Solutionem decimæ, i. Custome may moderate the payment of tythes. Looke Custome the 4. Hither (by a Constitution prouincial of England) also be referred Calfe, Colt, Pigge, and such like, that is, when their number is so small that they cannot be tythed: it is the Chapter Quoniam vt audiuimus, and Paragraph Quid verò, which Constitution Lynwood affirmeth vpon the same Paragraph, that it extendeth not to woll and Lambe, but citeth there another expresse and peculiar ordinance for the same, viz. If the Parishioner shall haue fiue Lambs or vnder, he shall yeeld for his tyth a farthing for euery Lambe a halfe-penny: if seauen Lambs, he shall yeeld a Lambe for his tyth, and receiue three halfe-pence: if eight, a penny: if nine the Parishioner (onely) receiueth a halfe penny of the Parson, or the Parson may expect, according to the first Question before. Et ita intelligendum est de decima Lanæ, i.

p ff. de vsufr.l. in pecudum inst. de re. di § in pecudum.
q de reg. iur. in 6.
r c quoniam propter. pre. de decim.
s c. quoniam vt audiuimus præal.§ decima.
t c. quoniam propter.pre. § quid verò.
u in cap. & § præal.verb modicitatè.
x c. § præal. in fine.
y ext. e.ti.c.in aliquibus.

DD. præ. in decimis animal & ferarú gloss. in pre.c.quoniam. propter. § de piscationib. promin ang.cod.verb. debito modo.
x c.ad apostolicæ eod.
y c.quæsti. 16. q.1.
z Inno. Host. in c.non est preal.eod.ver. de venatione.
a c. c.ad apostolice c.peruenit, præ. eo. b cap.fin.de parochijs.
c Rebuff.eo.q. 8,nu.17.
d Ancha. in præal.c.non est eo col.2.
e Rebuff.eo. nu.14.& 15. ad hec Inno. & Pan in d. c.non est.
f Inno.& Host in d. c.non est.
g DD.præ. in d c.non est.
h Pan.in cap. præal. & ibi An.de intellectu Hostiensis ad idem.
i Pan. & DD. in d.c. non est
k Host. in ca. præal.
l Gloss. in c. sancta ecclesia præ.§ 1. ver. cignorú.
m DD.ext.c. tit.c. non est.
n Gloss. in d. c.sancta ecclesia. cap.quoniam vt audiuimus ver. pulli.

taken by the owners, commeth not [illegible] industrie, but Ex humo, i. By way onely, and meanes of the ground[z]: from whence do arise all prædiall tythes, payable onely in the place and parishes within whose bounds and limits they are[a]. Thus personall: note the difference. Note also, that [illegible] owners, these tythes, diuerslie respected, that is to say, prædiall or personall, where such tythes be demanded, it is where such art, industrie, and trauell is answered and rewarded, not with pleasure[c], but with profit[d]. Question hath further beene moued of these profits and aduantages aforesaid, to this effect: viz. The parishioners mentioned of N. had franke and free leaue and libertie to hunt, fish, and fowle within the fields, grounds, medowes, riuers, and running streames of B mentioned before: they fowle, preserued, and reserued alive their beasts, fowles, and fishes, and so they conuaide them to certaine their owne proper and priuat grounds, within the bounds, compasse, and limits of another parish, than either of N where they dwell, or of B where they [illegible] them: they include them (there) these beasts, Fowles, and fishes, and compasse them within Parks, Warrens, Ponds, Poles, Houses, such as be mentioned and comprehended vnder the words Viuarijs, Columbarijs, in the eleuenth question before. Thus they feed and nourish them, and they breed, and increase in their kinds: now, in that these inclosed and limited places doe alter and change (in law) the nature of the profits of the nourished creatures within them[e], which of the Churches haue right to the tythes? It is thus answered, viz. They were included at the first as they were taken, that is, by art and industry of man[f]: howbeit they increase not by industry and art, but by the nutriment and nourishment of the waters, and grounds, where they [illegible] sole gratia Dei, i. Of the meere grace and bounty of God[g]: and therefore for the rate, value, and propo[illegible] themselues, they remaine these profits as they were taken at the first, that is, personall: tythable to the church of their parish that tooke them[h]. But their increase is prædiall, tythable to the Church within whose limits they bee, and be fed, and nourished[i]. The circumstances of these tythes mentioned in these cases, according to that worthy and of famous memory Hostiensis, doe make them neither meerely prædiall, nor meerely personall, but mixt tythes[k]: payable notwithstanding as prædiall and personall diuerslie respected as aforesayd. So, consider thus (briefly) of these tyths, that is to say, considered as they be included within compasse, limits, and bounds (from their naturall liberties) tied and restained to the same, as in ponds, parks, warrens, houses, and in such like limitted places, they be prædiall tythes: but considered as they enioy (at their will) their naturall liberties, as fishes, the sea; fowles, the aire; and beasts, the fields; in that they are not reckoned of any place certaine, their tythes be not prædiall but personall: touching therefore question herein to be made, to what Churches they be due? It is answered as of prædiall and personall tythes: that is, the one to that Church in whose parish these limited places aforesayd do lie that do make them prædiall; the other to that church in whose parish the Person doth inhabit that maketh them personall. And this is the difference.

o Gloss. in c. reuertimini verb. annus. p 2.Ed.6.13. q Rebuff.q. 13. nu 44 & ibi cit. But.in c.parochianos in fin.eod. r Host in ca. pastoralis. in fin.eod. & 10. de test.cre.in c. reuertimini præal.nu.12. ver. ad septimum. 16 q.1.
s Host.in ca. [illegible]

The thirteenth Question.

1 SWannes, Geese, and Duckes, be distinguished thus, viz. whether they be Volantes, i. whether they be wild and do flye, or bee tame or not: this considered, the profits bee tythable accordingly: for example, The Cignets, Si nascuntur in loco certo, & sui iuntur à loco certo, i. If they bee brought forth and so be taken in and from a certaine and knowne place, they bee prædiall and tythable as prædiall tythes: if from incertaine places, they bee personall, and so they bee tythable, viz. as personall tythes[l]. It is affirmed of them, as of beasts, fowles, and fishes[m], in the question last before. Hither by the Chapter Sancta Ecclesia, in the Prouincials of England, bee referred Geese and Duckes.

The fourteenth Question.

1 DE Ouis, i. Of Egges: it hath been moued whether they bee tythable in such places where tythes bee yeelded of Chickens? By the written law it may bee answered, as of Milke and Cheese in the seuenth question before, the 1. Howbeit Custome in this case preuaileth, as experience sheweth in some parts of this land[n].

The fifteenth Question.

1 TRades, Crafts, and manuall Occupations, they be personall, and of the profits do arise meere personall tythes: touching therefore first their tythable place, it is answeared in the twelfe question before. Of their tythable time, it is answered in fine anni, i. They be payable at the end of the yeere[o], and as our custome is, at Easter. Of persons that be chargeable with these personall Tythes, it is answered of such persons, which of custome haue, or of right ought to haue payd their personall tythes[r]. Looke the Summaries of the Statutes ensuing. There are of these personall tythes (in diuers cases) Opinionum commentus, Diuersities of opinions[q]: but herein they agree, viz. Hæ decimæ personales, magis in difficultate, & subtilitate, quàm veritate consistunt, i. They are, these personall tythes, more intricate than profitable[r]: only this (to conclude) must be noted, that is so say, all persons (consideration had, as afore is sayd) be bounden to offer their personall tyths to the church, but the Church is forbidden (of all persons) to receiue them[s]: for example, The Harlot, the Robber, the Vsurer, &c. they be not exempted, but the Law reiecteth them, their personall tythes, and oblations: Non inferas mercedem meretricis, &c. i. Thou shalt not bring the hire of an whore, nor the price of a dogge into the house of the Lord[t]. And for the other, Quæstus sit ex peccato, i. Their gaine arise of sinne: the Church is therefore

t Dom ca.2. col.vlt.de preb.in 6. barb. consil. 35. sapienter. col. 6. in 2. vol.
u Pan. in cap. cum ecclesia col.8.nu.45. de cauf. pos.
x c.a nobis de decim.
y d c.ex parte eod.
z Rebuff. q. 14.nu.37. 38. 39. 40. 41.

Double value of the tenth besides costs.

Of Prescription.

PRescription is not much differing from Custome, as before is specified of Translation and Composition: but the one oftentimes is taken for the other[a]. Howbeit herein they differ, Consuetudo propriè dicitur quando ius acquiritur in communi & publico, i. If it is properly saide to be custome where a right to many is procured in common and publike. Præscriptio verò quando priuato, i. Prescription when priuately to one[b].

Of Priuilege.

PRiuilege or Exemption is deriued frō authority supreme, by the which ex iusta causa, i. vpon cause and good consideration, sometimes the persons themselues, as the order called Cistercienses, and other Religious persons were priuileged and exempted from tythes[c]; sometimes the places, as grounds belonging to Religious persons[d]. For example, Monasteries, Priories, Nunries, Colleges, &c. or other Ecclesiasticall houses, &c. or any Manors, Messuages, Parsonages appropriat, &c. or other Herditaments which belonged vnto the saide Monasteries, Priories, &c. which were discharged of and for the payment of tythes, being in the hands of Abbots, Priors, or other Ecclesiasticall gouernors. Concerning these possessions in Religious persons, there hath beene fiue seuerall times obserued[e]: but leauing those times I referre the Readers only to the statute, viz. These Monasteries, &c. and euery person and persons, their heirs and assignes, hauing &c. shall be according to their estates and titles discharged of payment of tythes, in as ample manner as any of the saide Abbots, &c. at the daies of their dissolution. 31.H.8.13.

a Host. in ca. cum ecclesia de consuet. Ioan. And. in Clem. 1. de decim. Host. in ca. cum ecclesia de consuet. Ioan. And. in Clem. 1. de decim.
b Host. in ca. cum ecclesia de consuet. Ioan. And. in Clem. 1. de decim.
c Host. in ca. cum ecclesia de consuet. Ioan. And. in Clem. 1. de decim.
d Host. in ca. cum ecclesia de consuet. Ioan. And. in Clem. 1. de decim.
e Host. in ca. cum ecclesia de consuet. Ioan. And. in Clem. 1. de decim.

Summaries of the Statutes *of Tything.*

EVery of the Kings subiects shall truly and iustly without fraud or guile, diuide, set out, yeeld and pay all manner of their prædial tiths, in their proper kind, as they rise and happen in such maner and forme as hath beene of right yeelded & payd within xl. yeares before the making of this Act (being 4. Nouem. An. 1548) or of right or custome ought to haue beene payd. And no person shall take or carrie away any such or like tythes, &c. before he hath iustly set forth for the tyth thereof the tenth part of the same, or otherwise agreed for the same tythes with the Parson, &c. vnder the paine of forfeiture of treble value of the tythes so taken or carried away. 2.Ed.6.13.

At all times whensoeuer the sayd prediall tythes shall bee due at the tything time of the same, it shall be lawfull to euerie partie to whom any of them ought to bee payd, or his Deputie or Seruant to see their saide tyth to be truely set forth, and seuered from the nine partes, and the same quietly to take and carrie away. 2.Ed.6.13.

If any person carry away his Corne or Hay, or his other prediall tythes, before tyth thereof be set forth, or willingly withdraw his tythes of the same, or of such other thinges whereof prediall tythes ought to bee payd, or doe stoppe or let the Parson, Vicar, &c. or other their Deputies, to view, take and carry away their Tythes, by reason whereof their said tyth or tenth is lost or hurt: then vppon due proofe thereof, &c. the partie so carrying away, &c. shall pay the double value of the tenth, &c. besides the costs, charges, and expences of the suit in the same, &c. to bee recouered before the Ecclesiasticall Iudge, according to the Kings Eccle-